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Conventional arms control at the regional and subregional levels

Report of the Secretary-General

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I. Introduction

1. By its resolution 65/46 of 8 December 2010 on conventional arms control at the regional and subregional levels, the General Assembly decided to give urgent consideration to the issues involved in conventional arms control at the regional and subregional levels, and requested the Secretary-General to seek the views of Member States on the subject and to submit a report to the General Assembly at its sixty sixth session. The present report is submitted pursuant to that request.

2. On 9 March 2011, the Secretariat sent a note verbale to Member States requesting their views on the subject. As of the writing of the present report, 14 replies have been received from the following States: Armenia, Colombia, Congo, El Salvador, Jordan, Kazakhstan, Lebanon, Mexico, Montenegro, Norway, Portugal, the Russian Federation, Turkmenistan and Ukraine. Those replies are reproduced in section II of the present report. Subsequent replies will be issued as addenda.

II. Replies received from Member States

Armenia

[Original: English]
[19 May 2011]

General Assembly resolution 65/46 provides an opportunity to focus on challenges related to conventional arms control at the regional and subregional levels, to identify the problems and shortcomings and look for solutions.

Armenia attaches high importance to cooperation within the framework of international organizations, in particular the United Nations and the Organization for Security and Cooperation in Europe (OSCE), dealing with arms control.

Organization for Security and Cooperation in Europe

The OSCE deals with arms control, disarmament and security cooperation issues through its Conflict Prevention Centre and the Forum for Security Cooperation. The Joint Consultative Group overseeing the implementation of the Treaty on Conventional Armed Forces in Europe, though formally not being part of the OSCE, is closely linked to the work of other structures.

The Forum covers the Vienna Document 1999, Code of Conduct, Global Exchange of Military Information, as well as issues on anti-personnel landmines, small arms and light weapons and the national practice of export control. All of them envisage annual exchange of relevant information, and in the case of the Vienna Document there are also inspections and evaluation visits. Every year, Armenia receives three designated-area inspections along with one evaluation visit. The ongoing process of the update of the Vienna Document 1999 is very timely and will strengthen the military transparency and enhance confidence-building.

The OSCE Annual Security Review Conference, and the OSCE Annual Implementation Assessment Meeting, as well as the OSCE Meeting to Review the Document on Small Arms and Light Weapons are major instruments of the Centre and Forum to reflect and evaluate the implementation of the OSCE confidence and security-building measures.

Treaty on Conventional Armed Forces in Europe

The Treaty is the cornerstone of European conventional arms control regime and Armenia perceives it as a key to provide for security and military predictability. Since 1992, the implementation of the Treaty has created a secure environment in Europe, significantly enhanced mutual trust and reduced almost to non-existence the possibility of a major military conflict.

As with the other OSCE arms control measures, the Treaty requires the annual and periodic exchange of military information and envisages arms reduction and verification through inspections.

Armenia fully supports the negotiations on modernization of the Treaty and believes that the end result should be a viable, legally binding, all-weather document that will continue to serve the purpose of peace and mutual trust.

Violation of the Treaty on Conventional Armed Forces in Europe by Azerbaijan

The manyfold increase of Azerbaijan's military budget (since 2000 by 470 per cent; defence spending in 2011, which makes up $3.12 billion, will account for about 20 per cent of the Government's total expenditures) over the last decade and the incessant military rhetoric heighten the tension in the region and seriously hamper the process of dialogue aimed at reaching solutions to existing problems. The blatant violation by Azerbaijan of its legally binding obligations under the Treaty and excessive accumulation of conventional armaments are a serious threat to security in the South Caucasus region and beyond.

According to official information, as of 1 January 2011, Azerbaijan significantly exceeds its established ceilings in two categories of Treaty Limited Equipment. The Azeri holdings in battle tanks are 381 (permitted ceiling is 220) and in artillery are 469 (permitted ceiling is 285). In 2010, there was a sizeable increase of holdings also in the categories of attack helicopters and combat aircraft.

Armenia regularly alerts the international community in regard to such open defiance and inadmissibility and danger of negligence. The issue is being raised in international bodies like the United Nations, European Union, Organization for Security and Cooperation in Europe, Collective Security Treaty Organization and North Atlantic Treaty Organization. If the Treaty implementation is not adhered to it will create a serious predicament for the process of modernization of the Treaty currently under way in Vienna. That, in turn, will unlock an extremely dangerous arms race trend at the subregional level.

Colombia

[Original: Spanish]
[19 May 2011]

Principles for conventional arms control at the regional and subregional levels

Colombia attaches particular importance to the conclusion of binding instruments that establish regulations on the control of conventional arms, enhance control over international arms transfers and prevent the diversion of arms to the

illicit market, in particular to illegal armed groups or unlawful non-State actors, organized crime and ordinary crime.

Colombia has accordingly manifested its interest in establishing a global regime with clear international norms for States that control the international and cross-border movement of all conventional arms, small arms and light weapons, spare parts, ammunition, explosives and related parts, as well as complementary accessories and their respective technology.

For this reason, since 2008, Colombia has been participating in the various forums established within the framework of the United Nations to assess the scope and feasibility of an arms trade treaty. In this context, Colombia has presented the following general principles, which it also considers to be relevant to the development of regional and subregional agreements on conventional arms:

(a) Regional and subregional agreements should be consistent with the purposes and principles of the United Nations, as indicated in article 52 of the Charter of the United Nations;

(b) Recognition that arms control, disarmament and non-proliferation are essential to peace and international security;

(c) Respect for international law, including human rights law and humanitarian law;

(d) Respect for the principles enshrined in the Charter of the United Nations, in particular the inherent right to self-defence, the sovereignty and equality of all States and non-interference in internal affairs;

(e) The right of all States to produce, export, import, transfer and possess conventional arms for the purpose of self-defence;

(f) The right and obligation of States to safeguard their population and maintain control over their territory in view of the various forms of armed violence resulting from the actions of illegal armed groups, organized crime and ordinary crime, which affect each State internally and its ability to respond;

(g) Recognition that arms transfers to non-State actors have a negative impact on the internal security of States, as such arms can be used to commit crimes against humanity or serious violations of international humanitarian law;

(h) Prohibition of the transfer of conventional arms to non-State actors;

(i) Recognition of the importance of dialogue and cooperation among States on security and defence matters, with the goal, inter alia, of improving systems for conventional arms control, enhancing the transparency of transactions and building trust;

(j) Adoption of general measures to improve systems for monitoring and controlling conventional arms, taking into account the different situations and capacities of States;

- Establishment of measures and procedures to control and monitor all aspects of the trade in conventional arms, including identification and monitoring of end users

- Establishment of clear measures and procedures for appropriate handling, collection, storage and final disposal of conventional arms

Congo

[Original: French]
[30 April 2011]

Introduction

Further to the note verbale by which the United Nations Office for Disarmament Affairs requested the views of the Government of the Republic of the Congo with regard to the drafting of regional agreements on conventional arms control, the Republic of the Congo wishes to reiterate its commitment to international and regional disarmament in accordance with the United Nations doctrine of collective security. In that connection, the Republic of the Congo transmits herewith its views with regard to the drafting of regional agreements on conventional arms control.

General background

Analysis of the conventional arms situation in Africa and proposal of views

The United Nations Register of Conventional Arms, as described in the 2001 Information Booklet, is crucial to ensuring better conventional arms control in Africa. Using the Information Booklet, which comprises five main parts, we have identified the regional aspects in respect of which the United Nations General Assembly, in its resolution 46/36 L of 9 December 1991, calls upon Member States to cooperate at a regional and subregional level, taking fully into account the specific conditions prevailing in the region or subregion, with a view to enhancing and coordinating international efforts aimed at increased openness and transparency in armaments. Although Africa has contributed less overall to the Register than have other continents, it is nevertheless among those that face the greatest security challenges, given the many centres of armed conflicts in Africa. It is therefore necessary to promote and/or strengthen conventional arms control in Africa.

In October 1999, the United Nations Standing Advisory Committee on Security Questions in Central Africa adopted the N'Djamena Declaration (A/54/530-S/1999/1141). In the Declaration, the Committee recommended the creation of a uniform weapons register at the national and subregional levels and urged all States to give effect to the recommendations contained in the guidelines for international arms transfers in the context of General Assembly resolution 46/36 H. The arms control policies of a number of African countries eschew the principle of registration in the United Nations Register. The recommendation in the N'Djamena Declaration to establish a subregional register has gone unheeded.

It is important to note that, even if a subregional register were to exist, it would merely serve to supplement the United Nations Register in terms of the weapons to be accounted for. Indeed, as a general rule, the arms and equipment that do not fall under the categories of the United Nations Register of Conventional Arms are those most used in the many conflicts in Africa, especially in the sub-Saharan region. Light weapons are a case in point.

To engage African States in conventional arms control requires their full participation in the United Nations Register of Conventional Arms; this in turn will lead to the universalization of the Register. There is therefore a great need for international aid to contribute to disarmament in Africa through the establishment of related cooperation mechanisms.

Furthermore, resolution 46/36 L, entitled "Transparency in armaments", the principle of which is reiterated in resolutions 47/52 L of 15 December 1992 and 52/38 R of 9 December 1997, expresses the international community's desire for transparency in arms control.

In a number of countries, including in Africa, that desire for transparency is frustrated by the excessive use of the designation of "classified information", which makes transparency impracticable. This explains the weak contribution of African countries to the United Nations Register of Conventional Arms. Agreements at the continent and subregional levels are aimed at building confidence and security among States include:

- African Union Non-Aggression and Common Defence Pact (Abuja, 31 January 2005);
- Non-Aggression Pact among the States members of the Economic Community of Central African States (Yaoundé, 8 July 2006);
- Mutual Assistance Pact among the States members of the Economic Community of Central African States (Malabo, 24 February 2000);
- Non-Aggression, Solidarity and Mutual Assistance Pact among the States members of the Economic Community of Central African States (Brazzaville, 28 January 2004).

Regional and subregional disarmament stakeholders should refer to these regional instruments to persuade African States to endorse the concept of transparency in armaments.

This issue should be included in the agenda of meetings of African Union Heads of State and of Government as well as conferences in their respective subregions.

By referring to examples of other continents, including the Americas, African States will be better prepared to sign agreements on conventional arms control.

El Salvador

[Original: Spanish]
[2 May 2011]

Conventional arms control represents a solution for fostering and maintaining mutual trust among States at the regional level. The implementation of measures for conventional arms control can serve to prevent conflicts between States.

In order to preserve harmony, peace and mutual trust, it is important to maintain the military balance in the region. It is also important to establish and uphold control measures to prevent any country from obtaining arms covertly, which would create tension in the area and a risk of surprise military attacks, fragmenting

the balance achieved among States. Reining in the arms race will forestall the possibility of surprise attacks by any State or the outbreak of hostilities.

A flow of information based on mutual trust, transparency and truthfulness should be maintained between States. It is also important to adopt measures to verify compliance with controls on conventional arms.

Maintaining a conventional arms control regime requires an organization that can follow up on questions and measures adopted by participating parties and on reports of problems that arise in implementing the measures established or adopted by the participating parties.

Conventional arms control will contribute to the peace and stability of the region by ensuring that States maintain the lowest possible level of armaments required to preserve a balance in defence capabilities within the region.

Jordan

[Original: Arabic]
[28 April 2011]

The General Assembly resolution on conventional arms control at the regional and subregional levels promotes peace and security at the regional and international levels.

States which manufacture and maintain large arsenals of conventional arms have a responsibility to control such arms, and can make thereby an effective reduction in their number and strengthen agreements concerning regional security.

Conventional arms control should go hand in hand with negotiations and conventions reducing stocks of nuclear weapons and weapons of mass destruction.

It is important that conventional arms control measures respect the right of States to possess arms in order to guarantee their own security and that no distinction should be made between States in that regard.

The principle of equal security for all must be the basis on which conventional arms control measures are taken. The security of any State represents a red line, and is the legitimate right of every State. The concept of State security must be the same for all States: the security of one State cannot be more important than that of another State.

In order to ensure the success of arms measures at the regional and subregional levels, it is important to consider and address the reasons for an arms race. The fact that one regional power is heavily armed will prompt the other States of the region to acquire arms in order to maintain strategic balance in respect of conventional arms.

It is therefore essential to focus on resolving international conflicts and, in particular, the Arab-Israeli conflict, in order to prevent an arms race in the region.

Jordan has consistently affirmed its respect for the principles set forth in United Nations instruments relating to arms, sovereignty and the equality of States and the right of States to own and acquire conventional arms for the purposes of legitimate self-defence.

Jordan is committed to United Nations resolutions and has signed numerous international agreements and conventions relating to conventional and other arms. It shares the international community's concerns in respect of the issue.

Kazakhstan

[Original: Russian]
[26 May 2011]

Every year, in accordance with the relevant General Assembly resolutions, Kazakhstan provides the following information:

- A report on military expenditures over the previous fiscal year (resolutions 54/43 and 56/14);
- Data on imports and exports for inclusion in the United Nations Register of Conventional Arms (resolutions 46/36 L, 47/52 L and 56/24 Q);
- A national report on the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (resolution 58/241).

The following events were held in the Republic of Kazakhstan in 2010:

- An international seminar on combating the illicit trafficking of small arms and light weapons in Central Asia was held in Almaty on 16 and 17 September. The event was attended by representatives of States members of the Organization for Security and Cooperation in Europe (OSCE).

The purpose of the seminar was to discuss controls on arms imports, exports, brokering and marking, international small arms control standards, the OSCE Document on Small Arms and Light Weapons and future developments.

The seminar participants included representatives of the Central Asian States, the OSCE Conflict Prevention Centre, the United Nations Office for Disarmament Affairs, the United Nations Institute for Disarmament Research in Geneva and other international organizations specializing in the field of small arms control. Officials of the Kazakhstan Ministries of Defence, Internal Affairs and Emergency Situations, the National Security Committee and the Customs Control Committee of the Ministry of Finance attended the seminar.

Lebanon

[Original: Arabic]
[31 May 2011]

The Ministry of National Defence wishes to make the following points:

- In regard to this matter, resolutions of international legitimacy adopted by the United Nations should be duly complied with, and the Charter should be respected;
- Particular emphasis should be placed on the resolution of international disputes, in particular the Arab-Israeli conflict;

- States are equal in terms of sovereignty and territorial integrity. It is important to prevent an arms race and build confidence;
- All concerned regional States should remain compliant with a view to precluding any repetition of the double standards applied in connection with the Treaty on the Non-Proliferation of Nuclear Weapons. States should be held accountable in the event of non-compliance;
- The manufacture and transfer of arms should be controlled, and the smuggling of and illicit trafficking in arms should be suppressed in order to ensure that they do not fall into the hands of terrorists;
- Legislation should be enacted at the regional and international levels in order to limit the proliferation of such weapons, while allowing for the possibility of their individual or collective use to resist occupation or defend territory;
- Multilateralism should be strengthened as a means of furthering negotiation on arms regulation and disarmament.

Mexico

[Original: Spanish]
[2 May 2011]

Concerning this issue, the Permanent Mission wishes to recall that the Mexican Government believes that it is neither feasible nor appropriate for the Conference on Disarmament to consider the formulation of principles that could serve as a framework for regional agreements on conventional arms control, for the following reasons:

- The Conference on Disarmament is not competent to carry out such an analysis, given that it is a forum for negotiation and does not have a mandate to conduct studies on conventional arms;
- Given the state of paralysis and working methods that persist in the Conference on Disarmament, it is not feasible to add the task of developing principles on conventional arms control to the pending issues on its agenda. Furthermore, it is unacceptable to continue allocating human, financial, professional and political resources to an institution that does not achieve its objectives.

Montenegro

[Original: English]
[20 May 2011]

In pursuit of its strategic goals of accession to NATO and membership of the European Union, Montenegro has clearly committed itself to giving full support and contribution to building and strengthening both regional and European stability and security through consistent fulfilment of international commitments in the field of control and verification of arms.

In the military and political fields, after the renewal of state independence and accession to OSCE and the United Nations, Montenegro assumed numerous

commitments that are fulfilled by the Ministry of Defence of Montenegro along with other relevant institutions. After the ratification of recent agreements and conventions pertaining to disarmament, non-proliferation of arms, non-proliferation of weapons of mass destruction and conventional arms, export and import control, control of arms and anti-mine activities, acting as an equal party, Montenegro started fulfilling its commitments pertaining to the implementation of international legal acts.

The Ministry of Defence of Montenegro actively participates in the implementation of the following agreements and conventions:

- Vienna Document 1999
- Agreement on Subregional Arms Control
- Chemical Weapons Convention
- Biological Weapons Convention
- Convention on Prohibitions or Restrictions on the Use of Conventional Weapons
- Convention on the Prohibition of Anti-Personnel Mines (Ottawa Convention)
- Document on Small Arms and Light Weapons

From its foundation onwards, the Ministry of Defence and its Department for Arms Control have actively participated in bilateral cooperation with the Republic of Greece, the Republic of Hungary and the Federal Republic of Germany in the field of arms control. Cooperation has been most intensive with the verification centre from Germany.

Bilateral cooperation encompasses activities related to the education of arms control inspectors, information exchange, approving of reciprocal additional inspection, meetings for assessment and improving cooperation, as well as donation of information technology equipment to the Department for Arms Control. Apart from bilateral cooperation, verification centres in Europe, and particularly those in the regions, are particularly important as they provided all their expertise for the foundation of the Department for Arms Control and were instrumental in adopting standards for arms control and the fulfilment of obligations prescribed by OSCE.

The most intensive cooperation regarding arms control at the regional level is in compliance with the Agreement on Sub-Regional Arms Control stemming from annex 1B, article IV, of the Dayton Peace Agreement for Bosnia and Herzegovina. The Agreement on Sub-Regional Arms Control was made on 14 June 1996 and was signed by Bosnia and Herzegovina, Republic of Srpska, Federation of Bosnia and Herzegovina, Republic of Croatia and Federal Republic of Yugoslavia. Since 2005 Bosnia and Herzegovina, Republic of Srpska and Federation of Bosnia and Herzegovina made an agreement that Bosnia and Herzegovina took over the implementation of the agreement on behalf of all three parties to the Agreement.

After it renewed independence, Montenegro and the Republic of Serbia signed a bilateral agreement on the principles and procedures for implementation of the Agreement on Subregional Arms Control in Podgorica on 6 July 2007, whereby Serbia and Montenegro became independent parties to the Agreement thereof.

The Agreement served as an important benchmark for building security and trust in the post-war years. The essence of the Agreement is the significant downscale of armaments (including: combat tanks, artillery of 75mm calibre and above, combat aircrafts, attack helicopters and armoured combat vehicles) below agreed limits starting from 1 November 1997 as well as the cooperation among armed forces and ministries of defence of parties to the Agreement.

The Agreement comprises 15 articles and 6 protocols (protocols on inspections reduction, subregional consultative commission, exchange of information and notifications, on the existing types of armaments and on the procedures of reclassification of models and versions of combat capable trainer aircrafts). Also, the parties to this Agreement have pledged to issue statements on voluntary limitation of the *number of* armed forces personnel.[1]

Personal representative of the OSCE Chairmanship in Office, with his office in Vienna is personally responsible for implementing the Agreement; meetings of that Subregional Consultative Commission are attended by the personal representatives of the OSCE Chairmanship and members of the Contact Group (United States of America, Russian Federation, France, Federal Republic of Germany, Great Britain and Italy) as witnesses, along with the parties themselves (Serbia, Croatia, Bosnia and Herzegovina and Montenegro).

With a view to come up with modalities to streamline the Agreement as well as for the purpose of analysing its implementation, regular and extraordinary meetings are organized twice a year: standing work groups (10 meetings so far), subregional constitutional commissions (45 meetings held so far) and Review Conference events two years (7 conferences so far).

Significant track record has been achieved in the implementation of the Agreement so far and all parties to the Agreement came quite closer to reaching the basic goal, the implementation of the Agreement, establishing new forms of cooperation in the field of security focused on creating transparency and trust and also to achieving balanced and standing levels of defence force at the lowest level required for providing conditions for operation of security system of each party to the Agreement.

Today, the Agreement reflects a new quality of relations among its signatories having in mind the fact that in 2007 Montenegro officially became a new party to the Agreement, is fully committed to all forms of cooperation within its remits and is ready to consider proposals for further improvement of mechanisms of arms control at the subregional and regional levels.

As of 2007, Montenegro has implemented the following:

- 24 inspections of declared sites (12 on its own territory and 12 on the territory of other parties)

[1] At the 43rd meeting of the Subregional Consultative Commission, held from 2 to 5 November 2009 in Novi Sad declarations on voluntary limitation of the *number of* armed forces, personnel and stocks were adopted and approved, as follows: Bosnia and Herzegovina to limit itself with 16,000 staff (9,910 standing staff), Montenegro to limit itself with 5,000 staff (2,400 standing staff), Republic of Croatia limits itself with 44,000 staff (19,712 standing staff), Republic of Serbia to limit itself with 119,605 staff (29,357 standing staff).

- Public inspection of the arms reduction in Montenegro, Bosnia and Herzegovina completed inspection in March 2009
- Two visits of the personal representative of the OSCE Chairmanship in Office in a fact-finding mission for arms that Montenegro wanted to export, in 2007 and 2009, respectively.

Montenegro reduced the number of heavy armaments as follows:

- 61 combat tanks, period June-July 2007 — 60 tanks destroyed — scrapped into pieces and one given to a museum as an exhibit
- 46 cannons of 130mm, in March 2009, 45 cannons destroyed — scrapped into pieces and one given to a museum as an exhibit
- 24 howitzers 122mm, in two rounds, in December 2009 — 8 howitzers and August 2010 — 16 howitzers exported to Armenia
- 100 mortars 82mm, in two rounds, August 2009 — 30 mortars and December 2009 — 70 mortars exported to Armenia
- 50 mortars of 120mm, in two rounds — August 2009 — 12 mortars and December 2009 — 38 mortars exported to Armenia
- 6 combat plates N-62 (Super Galeb G-4), in October 2010, Montenegro delivered to Serbia based on the Agreement of the Government of the Republic of Serbia and Government of Montenegro on exchange of means and documentation

All together this reduction totalled over 280 pieces of heavy armaments for four years.

The representatives of the Ministry of Foreign Affairs and European Integrations and of the Arms Control Department regularly take part in the meetings of the Standing Work Group (held in Vienna) and in the meetings of the Subregional Consultative Commission (held in countries that hold chair in Subregional Consultative Commission). So far, Montenegro has hosted three meetings of the Subregional Consultative Commission and it held the chair in as many six-month rotations (Budva in 2007 and 2008, and Kolašin in 2010).

All activities implemented in Montenegro were made transparent and open to the inspectors from the region and representatives of the office of the personal representative of the OSCE Chairmanship in Office. Montenegro supported all proposals in favour of building and enhancing trust, security and development of subregional and regional cooperation.

The implementation of activities related to transferring ownership of the Agreement from the personal representative of the OSCE Chairmanship in Office from Vienna to parties to the Agreement is under way. By the end of 2011 the first phase is scheduled to be completed (no lags and it runs smoothly), and the second phase with full transition of ownership has not been legally regulated and determined, but is expected to be finished by the end of 2014.

The Arms Control Department — Verification Centre of the Ministry of Defence is vested with the implementation of the Agreement in Montenegro.

Within its remit, the Ministry of Defence has fully delivered on its obligations regarding arms control and it works on improving security measures and trust both at the regional and the global levels.

Norway

[Original: English]
[29 April 2011]

Norway fully supports conventional arms control at the regional and subregional levels. Norway is committed to the Convention on Conventional Forces in Europe, and hopes that outstanding issues related to that Convention may be solved as soon as possible in order to ensure its entry into force.

Norway remains convinced that regional conventional arms control at the regional and subregional levels must have as a point of departure the regional and subregional context. Norway is not convinced that the Conference on Disarmament would be the right forum to formulate principles that can serve as a framework for regional agreements on conventional arms control. Moreover, Norway fundamentally questions the role of the Conference given the fact that no negotiations have taken place in this body since the end of the 1990s and that it is not open for all States Members of the United Nations.

Portugal

[Original: English]
[13 June 2011]

Export Controls of Military Products

All items on the European Common Military List and the Wassenaar Munitions List, under the title "conventional arms", are subject to export controls.

The import and export of said items are subject to a licence issued by the Ministry of Defence, which is the Portuguese licensing authority for military products.

Transit of the items on the aforementioned lists is also regulated. A permit must be obtained from the licensing authority.

All applications are considered by the Ministry of Defence on a case-by-case evaluation, based on an overall assessment. Each application is also considered by the Ministry of Foreign Affairs, in the light of foreign policy interests. Accordingly, the Ministry of Foreign Affairs checks every import and export request against the criteria enshrined in the European Union Council Common Position 2008/944/CFSP, of 8 December 2008, which is legally binding for all European Union member States. Briefly, these minimum standard criteria are as follows:

- Respect for the international commitments of member States, in particular the sanctions decreed by the Security Council or the European Union, agreements on non-proliferation and other subjects, as well as other international obligations

- Respect for human rights in the country of final destination as well as respect by that country of international humanitarian law
- Internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts
- Preservation of regional peace, security and stability
- National security of the member States and of territories whose external relations are the responsibility of a member State, as well as that of friendly and allied countries
- Behaviour of the buyer country with regard to the international community, in particular its attitude to terrorism, the nature of its alliances and respect for international law
- Existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions
- Compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that States should achieve their legitimate security and defence needs with the least diversion of human and economic resources for armaments

Furthermore, import and export licences are not granted if in contravention of United Nations, European Union or OSCE embargoes. For small arms and light weapons, the Wassenaar Arrangement guidelines adopted in 2002 also apply.

The necessary documentation for obtaining an export licence depends, inter alia, on the exporter and the recipient, the importing country, the amount of weapons, the intended use and quantity. The documentation required includes an import licence or an international import certificate from the competent authorities in the importing country.

For military equipment, an end-user certificate with a non-re-export clause is also required.

Regulation of brokering activities

Portugal has implemented the European Union Council Common Position 2003/468/CFSP, of 23 June 2003 on the control of arms brokering with the entry into force of the law 48/2009, of 5 August 2009.

All brokers are required to register with the Ministry of Defence. Brokers who have not been granted an authorization are not allowed to conduct brokering activities.

A licence for a specific brokering transaction must be obtained from the Ministry of Defence and, where required by national legislation, from the authorities with jurisdiction over the place of residence or establishment of the broker. Records of all persons and entities which have obtained such a brokering licence must be kept for a minimum of 15 years.

Russian Federation

[Original: Russian]
[27 April 2011]

The Russian Federation believes that the following principles could form the basis of regional conventional arms control agreements:

- Military sufficiency;
- Balanced approach and reciprocity;
- Military significance;
- Contribution to confidence- and security-building;
- Enhanced transparency and predictability;
- Cost-effectiveness;
- Verifiability;
- Further adaptability;
- Equality of rights and obligations.

This list is derived from the paper put forward by Russia within the Organization for Security and Cooperation in Europe (OSCE), entitled "Draft OSCE programme for further action in the field of arms control and confidence- and security-building measures", which contains wording taken from documents previously adopted by OSCE.

Turkmenistan

[Original: Russian]
[1 June 2011]

Turkmenistan, an independent and neutral State, actively contributes to the strengthening of public peace and stability and recognizes the fundamental conventions, treaties and agreements that constitute the system of international security, as well as other generally accepted rules of international law.

As stated in article 6 of the new version of the Constitution of Turkmenistan adopted on 26 September 2008, "Turkmenistan, as a fully fledged member of the international community, maintains a foreign policy based on the principles of permanent positive neutrality, non-interference in the internal affairs of other countries, renunciation of the use of force and of participation in military blocs and unions and the promotion of peaceful, friendly and mutually beneficial relations with the countries of the region and States throughout the world".

The United Nations Regional Centre for Preventive Diplomacy for Central Asia was opened in Ashgabat on 10 December 2008. Turkmenistan fully supports the efforts of the United Nations to establish a zone free of nuclear weapons and all other weapons of mass destruction in Central Asia and abides strictly by all the conventions it has signed and all the international commitments it has made with respect to the prohibition of these types of weapons.

As a member of the Organization for Security and Cooperation in Europe (OSCE), Turkmenistan, along with the other member States, submits an annual military report in accordance with the Helsinki Document of 1992. OSCE arms inspectors, comprising experts from other nations, come to Turkmenistan every year to conduct inspections based on the annual report submitted in accordance with the Vienna Document 1999 of the negotiations on confidence- and security-building measures.

Ukraine

[Original: Russian]
[15 April 2011]

Ukraine is promoting the establishment of new confidence- and security-building mechanisms on the basis of mutual understanding and openness in military and political activities and is playing an active role in regional and subregional conventional arms control systems.

1. Ukraine believes that the Treaty on Conventional Armed Forces in Europe is an important instrument for strengthening regional security.

Consequently, Ukraine fully complies with its commitments under the Treaty.

In addition, in 2006, Ukraine made additional unilateral commitments to lower the ceilings on armaments and military equipment, as follows:

Battle tanks — from 4,080 to 3,200;
Artillery systems — from 4,040 to 3,600;
Combat aircraft — from 1,090 to 800;
Attack helicopters — from 330 to 250.

In addition, Ukraine is proceeding with the disposal of armaments and military equipment to bring the total below the ceilings specified in the Treaty on Conventional Armed Forces in Europe. The status as at 1 January 2011 is as follows:

Battle tanks — 2,525 (ceiling: 3,200);
Armoured combat vehicles — 3,855 (ceiling: 5,050);
Artillery systems — 3,149 (ceiling: 3,600);
Combat aircraft — 517 (ceiling: 800);
Attack helicopters — 147 (ceiling: 250).

With regard to the fulfilment of additional unilateral commitments with respect to the coast guard and the marine corps, Ukraine provides an annual report to other nations on the armaments and military equipment in the possession of those units. Following a significant decrease, the status as at 1 January 2011 is as follows:

Battle tanks — 39;
Armoured combat vehicles — 171;
Artillery systems — 72;
Armoured combat vehicles — 3.

The number of military personnel in Ukraine remained unchanged in 2010 and totalled 150,000 as at 1 January 2011.

2. Within the Organization for Security and Cooperation in Europe (OSCE), the Vienna Document 1999 forms the regulatory framework for international cooperation in the area of confidence- and security-building measures.

The Government has enhanced both bilateral and multilateral cooperation in the context of regional security systems in order to establish a zone of stability and mutual confidence around Ukraine.

In accordance with chapter X of the Vienna Document 1999, Ukraine is developing bilateral cooperation with neighbouring States on confidence- and security-building measures in border areas.

Ukraine is actively cooperating with Belarus, Hungary, Poland and Slovakia through the following bilateral intergovernmental agreements:

- Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Hungary on confidence- and security-building measures and the development of bilateral military contacts;
- Agreement between the Cabinet of Ministers of Ukraine and the Government of the Slovak Republic on additional confidence- and security-building measures;
- Agreement between the Cabinet of Ministers of Ukraine and the Council of Ministers of the Republic of Poland on confidence- and security-building measures;
- Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus on additional confidence- and security-building measures.

The agreements provide for prior notification of military activities, invitations to observe exercises, and inspections of and visits to military units.

In accordance with the agreements, the parties each conduct two to three confidence- and security-building measures per year in each of the countries in addition to the quota of inspections established in the Vienna Document 1999.

Since the entry into force of the agreements in 2001, 115 measures have been conducted in Ukraine and elsewhere.

The annual working meetings held to assess the implementation of the agreements provide an opportunity for open dialogue to take place on the establishment of new mechanisms for cooperation.

An important confidence-building step is the agreement of the parties to refrain from tactical military exercises at the battalion level and higher at their neighbours' borders.

We believe that Ukraine's active implementation of existing international treaties on conventional arms control, particularly the agreements concluded with neighbouring States on additional confidence- and security-building measures, promotes the maintenance of regional and subregional peace and stability.